

## REMARKS

By this amendment, claims 1, 2, 3, 11, 15, 17, 18, and 19 have been amended to place this application in immediate condition for allowance. Currently, claims 1-20 are before the Examiner for consideration on their merits.

In the Office Action, the Examiner noted some minor informalities in claims 1, 17, and 18. In response to the objection, each of these claims has been revised and the objection should be withdrawn. Claim 19 has been revised to be dependent on claim 15 so that it is consistent with claim 20 and its dependency on claim 1.

Applicant respectfully traverses the rejections of the claims. The traversal is detailed below under a heading corresponding to the prior art relied upon in each rejection.

In addition, claims 1 and 15 are revised to clarify the structure of the bore and define it as having one end in communication with a respective opening of the block body, and its other end functioning as the terminal entrance.

### YASHIN

In the rejection based on Yashin, the Examiner alleges that Yashin teaches each and every limitation of claims 1-16, 19, and 20. Applicant traverses these rejections on the grounds that the Examiner has not established a *prima facie* case of anticipation against certain independent claims as well as certain dependent claims. The arguments for the various rejected claims are laid out below by claim heading.

#### Claims 1 and 15

Claims 1 and 15 differ in that claim 1 includes the heater material whereas claim 15 is drawn to the terminal block itself. For purposes of this traversal, the claims are argued together since the distinguishing features of the invention relate to the terminal block found in each of claims 1 and 15.

In review, claim 15 has the following components:

- 1) a block body with a slot;
- 2) the body having a pair of opposing openings with the slot disposed therebetween;

3) bores in the block body, one end of each bore in communication with a respective opening, an opposite end of the bore terminating in a terminal entrance;

4) and a pair of terminal, each with a spring.

In rejecting claims 1 and 15, the Examiner is apparently taking the position that the grooves 24 and 26 are the same as the opposing openings. Moreover, it is unclear from the rejection as to how the Examiner has treated the claimed bores. In the rejection, it is stated the block body 10 of Yashin has "opposed openings or bores 24, 26... .

The rejection in this regard is flawed for two reasons. First, the grooves 24 and 26 of the body of Yashin are not opposed. At best, they are offset, but this is not the same as opposed. The grooves of Yashin may oppose the slot 29, but this is not what is claimed. Therefore, the rejection based on anticipation is in error; Yashin does not teach "opposing openings" and the rejection should be withdrawn for this reason alone.

Secondly, the Examiner has failed to address the limitation regarding the bores. Claims 1 and 15 clearly define openings and bores in communication with the openings. It is error to conclude that the grooves can be both the openings and the bores, and the rejection fails for this reason.

Moreover, with the revisions to claims 1 and 15, the bores have ends, one of which is in communication with the openings and the other acting as a terminal entrance. This even further removes Yashin from the invention. Even if the Examiner were to contend that the end of the groove (the "opening" in the claim) was somehow a bore, the end of the opening cannot be read on the claimed bore since the opening lacks the two ends now specified in the claims.

For the reasons set forth above, it is contended that the rejection of claims 1 and 15 is in error for failing to establish a *prima facie* case of anticipation.

Further, there is no basis to conclude that claims 1 and 15 are obvious based on the teachings of Yashin. In fact, the invention and Yashin are fundamentally different structures, and one of skill in the art could not arrive at the invention from the teachings of Yashin; there is just no reasoning to modify Yashin in such a manner. Any allegation of obviousness can only be based on the hindsight reconstruction of the prior art in light of Applicant's own disclosure, and such a stance could not be sustained on appeal.

Therefore, the rejection of claims 1 and 15 under 35 U.S.C. § 102(b) should be withdrawn.

Claims 2-5 and 11-13

Claim 2 has been revised to be in the alternative format that is found in claim 11. That is, the soft casing either encompasses the heater subassembly, or is combined with a molding compound to encompass the subassembly. Claim 3 is revised to specify the use of the soft casing to encompass the heater subassembly. Each of claims 2 and 11 has been rewritten to incorporate the original limitations of claim 1.

It is contended that the rejection of independent claims 2 and 11 is flawed since the Examiner has not even addressed the soft casing embodiment of the invention in the Office Action. There is no mention whatsoever of any reasoning as to why Yashin teaches a soft casing that either encompasses the heater, or surrounds the heater with its end receiving the molding compound. At most, the Examiner addresses the details of claims 1 and 15, and such an approach cannot serve as a basis for rejecting claims 2 and 11. Therefore, these claims are patentably distinguishable over Yashin. Regardless, there is no mention whatsoever in Yashin of a soft casing heater as defined in claims 2 and 11 and this reference cannot serve as a basis to reject claims 2 and 11 based on 35 U.S.C. § 102(b).

Furthermore, the Examiner has no basis to conclude that one of skill in the art would be motivated to modify or convert Yashin into a soft body heater. Consequently, there is no basis to allege that Yashin supports a rejection under 35 U.S.C. § 103(a).

Claims 19 and 20

The rejection based on Yashin also fails to teach or suggest the limitations of claims 19 and 20. In fact, no mention whatsoever is made of a bore having a slot wider than the bore to accommodate wide portions of the terminal. The Examiner has the burden to support any rejection made with objective evidence. In this instance, no reasoning is given regarding claims 19 and 20, and the rejection is flawed on this account.

BOUFFARD ET AL. (BOUFFARD)

In the Office Action, claims 1 and 15 stand rejected under 35 U.S.C. § 102(b) based on Bouffard. In this rejection, the Examiner again fails to take into account the

language of the claim regarding the bores being in communication with each of the opposing openings. The Examiner contends that openings 14 and 16 of Bouffard are the "opposing openings". While this could be arguably true, where are the bores in communication with the openings in such an interpretation? In fact, there are no bores and openings at all in Bouffard. As argued above, the Examiner cannot merely ignore the presence of the bores in claims 1 and 15, nor the fact that they have a spacial relationship with the openings. To conclude that the openings are the same as the bores ignores positive structure in the claims, and such a position is untenable under current patent law standards.

Moreover, Bouffard lacks the limitations of the claims regarding the terminals. Claims 1 and 15 state that each terminal has a spring and this is not the case with Bouffard. Only terminal 18 could be considered to have a spring, but the other claimed spring is missing in Bouffard.

Claims 1 and 15 also state that the terminal is positioned in each bore, and no mention whatsoever is made of a bore in the rejection. Thus, this claim limitation cannot be met by Bouffard since there is no bore to receive the terminal.

Given the lack of claim limitations found in Bouffard, this reference cannot be used to make a further rejection under 35 U.S.C. § 102(b). In addition, there is absolutely no basis whatsoever to make a rejection under 35 U.S.C. § 103(a). Thus, the rejection of claims 1 and 15 based on Bouffard must be withdrawn.

#### AMMERMAN ET AL. (AMMERMAN)

The rejection of claims 15 and 16 based on Ammerman has a number of flaws. First, the allegation that the electrical resistance wires 20.1 and 21.2 of Ammerman are a solid state heater material is technically incorrect. The Examiner is requested to support any further contention of this nature with objective evidence, since it is the Examiner's burden to show that the claims are not patentable.

Second, Ammerman is directed to an electrical connector, not a terminal block. This obvious difference between what is claimed and what is disclosed by Ammerman precludes making a rejection under 35 U.S.C. § 102(b).

Third, and similar to the other rejections addressed above, the rejection fails to

consider all of the limitations of claim 15. In the rejection, the Examiner characterizes the body recess 28 as a claimed bore, and the slot 29 as the claimed slot. The opposing openings, while not specifically identified by number by the Examiner, are apparently considered to be the ends of the slots 29, 30, and 31 as best seen in Figure 4.

The Examiner's attempt at finding structure in Ammerman to justify the rejection falls woefully short of establishing a *prima facie* case of anticipation. First, the allegation that Figure 4 shows a pair of opposing openings with the slot disposed therebetween makes no sense. Figure 4 is a cross sectional view of the connector, and it depicts the slots 29, 30, 31, terminals or contact strips 35, 36 and 37, resistance wires 20.1 and 21.1 and the ground 25.1. These are no opposing openings that have the claimed slot positioned therebetween; it is merely a view of the slot itself.

For argument purposes, the slot 29 may be considered to be disposed between opposing openings when considering the terminating ends of the slot 29 to be the same as the claimed opposing openings. However, with this interpretation, what structures are said to be the claimed bores? There are none and considering the ends of the slot 29 to define the opposing openings cannot sustain the rejection.

Furthermore, the rejection is flawed in its treatment of the bore. The Examiner alleges that the recess 28 is a bore. However, the claims call for two bores, with a terminal in each bore. Recess 28 does not even receive the terminals 35 or 36; it receives the resistance wires 20.1 and 21.1. Therefore, the limitation that the bores contain the terminals is not found in Ammerman.

Continuing with the issue of the failure of the rejection to address the limitation regarding the bores, even if one were to allege that recess 28 is one bore in communication with one opening of the slot 29, where is the other bore at the other end of the slot 29? There is no structure at all at the other end of the slot 29, and the rejection based on the stance that the recess 28 is a bore just does not address all of the limitations of the claims at issue.

The Examiner has also not addressed the feature of claim 15, wherein the spring of the terminal extends beyond the opening and into the slot. Again, if the Examiner is considering the slot 29 of Ammerman to be the claimed slot, and an end of the slot 29 where the terminal enters the slot 29 to be the claimed opposing opening that the spring

extends beyond, where is the bore having the terminal positioned therein? When considering the end of the slot 29 that receives the terminal to be the opposing opening, there is no structure that would qualify as a bore as defined in the claims.

To summarize, Ammerman has a number of failings, which prevent it from being used as a basis for anticipation. If the Examiner insists on relying on Ammerman again to reject claim 15, the Examiner is requested in any further rejection to clearly point out the basis to assert that either each and every limitation of the claim is taught, or that inclusion of the missing claims limitations in Ammerman would be an obvious modification to one of skill in the art. Otherwise, the rejection of claim 15 must be withdrawn.

The rejection of claim 16 is also flawed. In the rejection of claim 15, the slot 29 of Ammerman was alleged to be the claimed slot, but in claim 16, the slot 29 is now considered to be the claimed channel. Since the channel corresponds to the claimed opening in claim 16, two channels are present with the claimed slot in between them. No such structure is found in Ammerman.

While the slot 29 of Ammerman could be considered to be the claimed channel and bore to receive the terminal of claim 16, such an interpretation leaves the claimed slot positioned between the openings missing in the connector of Ammerman. Put another way, if slot 29 is the claimed channel, where is the slot that receives the solid state heater? Consequently, the rejection of claim 16 is also improper and should be withdrawn.

To recap, Ammerman fails to establish a *prima facie* case of anticipation against claims 15 and 16 and the rejection of these claims must be withdrawn.

### SUMMARY

Based on the above, it is respectfully contended that the rejections under 35 U.S.C. § 102(b) of claims 1 and 15 based on Yashin or Bouffard are all flawed for the simple reason that each and every feature of the claims is not found, either expressly or implicitly in the applied prior art. Furthermore, there is no basis to contend that the prior art could be modified so as to arrive at the invention. The rejection of claims 15 and 16 based on Ammerman is also improper since this reference lacks all of the features found in these claims.

The rejection is also improper for claims 2-5, 11-13, 19, and 20 on the grounds that the Examiner has not even set forth a basis to reject the claims.

Accordingly, the Examiner is respectfully requested to examine this application and promptly pass claims 1-20 onto issuance.

If the Examiner believes that an interview with Applicant's attorney would be helpful in expediting prosecution of this application, the Examiner is requested to telephone the undersigned at the number provided below.

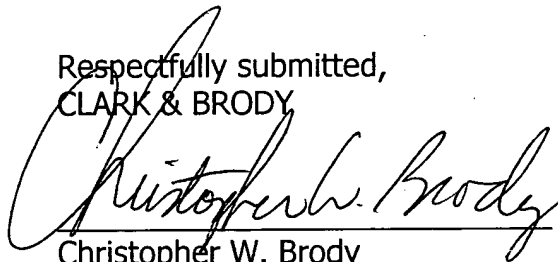
The above constitutes a complete response to all issues raised in the Office Action dated September 14, 2005.

Again, reconsideration and allowance of this application is respectfully requested.

A check in the amount of \$100.00 is enclosed to cover the additional independent claim presented as a result of this filing.

Please charge any fee deficiency or credit any excess to deposit account no. 50-1088.

Respectfully submitted,  
CLARK & BRODY

A handwritten signature in dark ink, appearing to read "Christopher W. Brody", is written over a horizontal line.

Christopher W. Brody  
Registration No. 33,613

**Customer No. 22902**

1090 Vermont Avenue, NW, Suite 250  
Washington, DC 20005  
Telephone: 202-835-1111  
Facsimile: 202-835-1755  
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